

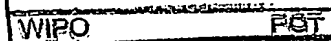
# PATENT COOPERATION TREATY


## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 63119A		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/US2004/026514		International filing date (day/month/year) 13.08.2004		Priority date (day/month/year) 13.08.2003
International Patent Classification (IPC) or national classification and IPC C08J5/12, F16L13/10, C09J11/06, C09J4/00, C09J4/06				
Applicant DOW GLOBAL TECHNOLOGIES INC. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  14.01.2005		Date of completion of this report  10.08.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Otegui Rebollo, J  Telephone No. +49 89 2399-		



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2004/026514

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-29 as originally filed

**Claims, Numbers**

1-22 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2004/026514

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. - Statement**

Novelty (N)	Yes: Claims	3,13,17-19
	No: Claims	1,2,4-12,14-16,20-22
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Re Item V.**

The following documents are referred to in this communication:

- D1 : WO 03/041985 A (DOW GLOBAL TECHNOLOGIES INC) 22 May 2003  
(2003-05-22)  
D2 : WO 98/32207 A (MINNESOTA MINING & MFG) 23 July 1998 (1998-07-23)  
D3: GB-A-2 003 243 (JOHNS MANVILLE) 7 March 1979 (1979-03-07)

1. The subject-matter of claims 1, 2, 4 to 12, 14 to 16 and 20 to 22 of the present application appears to be novelty anticipated (Article 33(2) PCT) by the methods for joining a pipe to a fuel tank, or the repairing of pipes containing cables using organoborane-catalysed acrylic adhesives as disclosed in D1 and D2 (see passages cited in the search report). The subject-matter of claims 3 and 17 to 19 of the application appears to derive in an obvious manner (Article 33(3) PCT) from the routine activities of the skilled person trying to use the adhesives disclosed in D1 or D2 for joining further pipe, such as joining pipe by the spigot and bell method, where acrylic adhesives are usually employed (see for instance D3). The subject-matter of claim 13 of the present application illustrates the use of silicon-substituted amines in the preparation of the organoborane/amine complexes used in the formulation of the adhesives employed in documents D1 or D2, which step appears to be obvious (Article 33(3) PCT) for the skilled person as amino-silanes are widely used as adhesion improvers.

2. In case of filing substitute amended pages (Article 19(1) PCT) and in order to facilitate the examination of the conformity of the amended application with the requirements of Article 19(2) PCT, applicants are requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based. If applicants regard it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.